IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

WP(C).No. 7357 of 2007(A)

PETITIONER:

V.M.ROY, WORKING AS OVERSEER, HR.GRADE, ENGINEERING SUB DIVISION, COVAZ, POOKOT, WYNAD, RESIDING AT QUARTER NO.6/2, POOKOT WYNAD.

BY ADV. SRI.P.SREEKUMAR
SRI.K.S.MANU (PUNUKKONNOOR)

RESPONDENTS:
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1. THE KERALA AGRICULTURAL UNIVERSITY, REPRESENTED BY ITS REGISTRAR.

2. THE REGISTRAR, KERALA AGRICULTRAL UNIVERSITY, VELLANIKARA, THRISSUR.

3. THE VICE CHANCELLOR, KAU, VELLANIKKARA.

4. THE EXECUTIVE COMMITTEE REPRESENTED BY ITS SECRETARY, KAU, VELLANIKKARA.

***5. M.K. DEVARAJA KURUP, OVERSEER GRADE -I(HIGHER GRADE), KERALA AGRICULTRAL UNIVERSITY, ENGINEERING DIVISION, PANANGAD.**

***ADD. R5 IS IMPLEADED AS PER ORDER DATED 13/03/2007 IN IA NO. 3768/2007.**

#6. P.T. JOY,
ASSISTANT ENGINEER,
KERALA AGRL. UNIVERSITY,
ENGINEERING DIVISION, PANANGAD.

#ADDL. R6 IS IMPLEADED AS PER ORDER DATED 26/10/2007 IN IA NO. 5426/2007.

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.K.A.BALAN
SRI.PETER JOSE CHRISTO
SRI.S.A.ANAND
SRI.BABU JOSEPH KURUVATHAZHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 7357/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE PROCEEDINGS DT. 26/7/2004.

EXT.P2. COPY OF THE CERTIFICATES ISSUED TO THE PETITIONER FOR THE DIPLOMA AND DEGREE IN CIVIL ENGINEERING.

EXT.P3. COPY OF THE COMMUNICATIOND T. 5/6/95 ISSUED BY THE DIRECTOR OF PHYSICAL PLANT.

EXT.P4. COPY OF THE STATEMENT SHOWING THE COMPARISION OF THE TWO COURSES.

EXT.P5. COPY OF THE NOTIFICATION ISSUED INVITING APPLICATIONS TO THE POST OF TRACTOR DRIVERS.

EXT.P6. COPY OF THE GO P NO. 108/85/PWT DT. 27/09/85.

EXT.P7. COPY OF THE PROCEEDINGS DT. 1/3/2007 BY THE R2.

RESPONDENT'S EXHIBITS **NIL.**

True copy

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THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.7357 of 2007-A

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Dated this the 26th day of October, 2007.

JUDGMENT

1. Petitioner challenges Ext.P7 by contending that the Registrar of the Kerala Agricultural University has no power to issue any such order. This contention is based on the allegation that Ext.P7 amounts to an amendment of the statutes. Obviously, the power to make a statute, which includes the power to amend, is essentially with the different authorities of the University in terms of the Act and such power may not be exercisable by the Registrar. The impleaded additional respondents point out that Ext.P7 does not amount to any amendment, but is only a clarification issued by the Registrar essentially by referring to the different provisions of the statutes.

2. Under the aforesaid circumstances, this writ petition is allowed declaring that Ext.P7 shall not be treated as an amendment to the statutes, including the qualifications prescribed thereby, in any manner. Any action on the strength of Ext.P7 will stand regulated by this declaration. All actions will be regulated in terms of what is stated above, including promotions. The question of equivalence is left open for consideration by the appropriate authority of the University in terms of the statutes.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

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